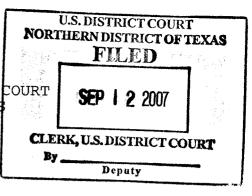
IN THE UNITED STATES DISTRICT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



RAYMOND RODRIGUEZ. Ş § Petitioner, § § VS. § NO. 4:07-CV-400-AS NATHANIEL QUARTERMAN, Ş DIRECTOR, TEXAS DEPARTMENT § OF CRIMINAL JUSTICE, § CORRECTIONAL INSTITUTIONS § DIVISION. Ş § Respondent. §

ORDER

Came on for consideration the above-captioned action wherein Raymond Rodriguez is petitioner and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On July 18, 2007, the magistrate judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any thereto, by August 3, 2007. By subsequent court order, petitioner was given until September 4, 2007, to file objections, which he did.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a <u>de novo</u> determination of those portions of the proposed findings or recommendations to which specific objection is made. <u>United</u> States v. Raddatz, 447 U.S. 667, 673 (1980). The court need not consider frivolous, conclusory, or nonspecific objections.

Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

The magistrate judge recommended the petition be dismissed as successive pursuant to 28 U.S.C. § 2244(b)(1), noting that petitioner has not demonstrated that he has obtained authorization from the court of appeals, pursuant to 28 U.S.C. § 2244(b)(3), to file such a petition. Petitioner agrees, noting that authorization from the Fifth Circuit is pending.

Therefore,

The court accepts the findings, conclusions, and recommendation of the magistrate judge and ORDERS that the petition pursuant to 28 U.S.C. § 2254 of petitioner, Raymond Rodriguez, be, and is hereby, dismissed as successive.

SIGNED September 12, 2007.

WHN MCBRYDE

Wnited States District/Judge